IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 1192 OF 2007
IN
CRIMINAL APPEAL No. 340 OF 2007

The State of Maharashtra — Applicant
Vs.
Sarjerao Rangrao Chougale
& Ors. — Respondents

Mrs. U. V. Kejariwal, APP for the for applicant.

Mr. Shekhar Ingawale, Advocate for respondent Nos. 1 to 3.

CORAM : SHRI R.M.S. KHANDEPARKAR
AND
SHRI A. A. SAYED, JJ.

DATE : DECEMBER 5, 2007.

P.C. [Per R.M.S. KHANDEPARKAR, J.]

. Heard. Bare perusal of the impugned judgment discloses that the Sessions Judge though has said that "no doubt when the attack is carried out simultaneously by three persons in such a case swift manner with such a speed, then it is difficult for any prudent man to tell exact injury corresponding to the weapon" and further that "there is also ample evidence to support that the attack was carried out by the accused in unison as the prosecution witnesses and complainant tried to oust him from the

agricultural land and damaged his cattle shed", as well as further that, "the weapons like sticks and chopper could definitely be labeled as dangerous weapon which are likely to cause death". The ultimate finding which has been arrived at is to the effect that "the only intention manifest from the record is that the accused voluntarily caused hurt or grievous hurt to the complainant and prosecution witnesses, and therefore, they are held liable for these offences i.e. under sec. 324, 326 r.w. of I.P.C." In view of the findings arrived, as regards involvement of the accused persons in the entire incident, the injuries which were suffered and the post mortem report, shows that prima-facie case is made out for grant of leave to appeal. Hence, the application to leave for appeal is allowed.

2. Action under Sec. 390 of Cr.P.C. to follow.

[R.M.S. KHANDEPARKAR, J.]

[A. A. SAYED, J.]